

INTERNAL COMMUNICATION STRATEGY – DELIBERATIVE PROCESS

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Breach of Decontamination Workplan Protocol **Libby Asbestos Superfund Site**

Issue/Action

On October 10, 2007, EPA field personnel in Libby were told that contractors working for W.R. Grace at the Mine Site (OU 3) discovered filters were not installed on the hose used to decontaminate EPA contractor's vehicles leaving the Mine Site, perhaps for as long as two years. The water source is a pond fed by Rainy Creek, which has been impacted by past mining operations. Both the Workplan and Health and Safety Plan call for the use of filters on this hose. Though this is an acknowledged breach of an important protocol, there is no indication from air monitors along Highway 37 that there has been any release of contamination from vehicles leaving the Mine Site.

As of this date, the public has been made aware of this issue by EPA during November's meeting week in Libby (TAG, CAG, & County Commissioner's Briefing) generating little concern at the time. However, previous to the public announcements, Andrea Peacock, a reporter for Mother Jones magazine and author of the book "Libby, Montana," has requested copies of the Workplan and Health and Safety Plan under which contractor Environmental Restoration is conducting their work at OU 3. It should be assumed that Ms. Peacock had somehow learned of this decontamination problem before EPA's announcements, indicating concern on someone's part. Additionally, six members of the Site Management Team received an articulate, anonymous, "snail-mail" letter (postmarked in Missoula) claiming, among many other things, the filtration problem is merely "the tip of the iceberg." There is no indication from this correspondent, who seems very knowledgeable of our operations in Libby, that he or she learned about this problem from EPA's public announcements.

This strategy is designed to address the potential media and public reaction to this discovery, to formulate answers to probable questions, and to identify EPA's spokesperson(s) on this issue.

Site Background

Libby is set in a picturesque valley carved by the Kootenai River and framed by the Cabinet Mountains at the northwest corner of Montana, just 35 miles east of Idaho and 65 miles south of Canada. The town has a population of less than 2,900; 12,000 people live within a ten-mile radius.

In November 1999, EPA sent an Emergency Response Team to Libby as the result of local concern and news articles about asbestos-contaminated vermiculite, which was mined near town by the W.R. Grace Corporation. EPA's first priority was to assess the risk to public health with respect to asbestos contamination and eliminate the major sources of asbestos in the community. The Mine has been inactive since 1990 and the public has not been allowed on the Grace property for several years.

In 2002, the Libby Asbestos Site was added to the NPL and 3,000+ properties were inspected and sampled. By October of 2007, 900+ properties have been cleaned up and significant toxicity studies have been initiated in order to complete the Baseline Risk Assessment. Investigations have begun in the neighboring town of Troy (OU 7), at the Mine site (OU 3), and at various processing areas (OUs 1, 2, 5, & 6).

EPA continues to work with the community to take the necessary actions to protect human health and the environment.

Internal Region 8/Libby Communications Structure

Key Contacts:	Function:	Work Phone:
Media Spokesperson(s): Paul Peronard, EPR	Libby Team Leader	303-312-6808
EPA Region 8:		
Libby Site Management Team:		
Mike Cirian, EPR	On-Site Project Manager	406-293-6194
Bonnie Lavelle, EPR	Remedial Project Manager	303-312-6579
Kathy Hernandez, EPR	Remedial Project Manager	303-312-6101
Matt Cohn, ENF	Enforcement Attorney	303-312-6853
Kelcey Land, ENF	Technical Enforcement	303-312-6393
Wendy O'Brien, EPR-TAU	Toxicologist/DVM, PhD.	303-312-6712
Aubrey Miller, EPR-TAU	Toxicologist/MD	303-312-7023
Mary Goldade, EPR-TAU	Environmental Scientist/Chemist	303-312-7024
Ted Linnert, SOC	Community Involvement Coord.	303-312-6119
Key R-8 Personnel:		
Carol Rushin	A.R.A. - EPR	303-312-6051
Bill Murray, EPR	Superfund Manager	303-312-6401
Kathie Atencio	Program Manager	303-312-6803
Jim Luey, EPR	TAU Supervisor	303-312-6791
John Wardell	Montana Office Director	406-457-5001
State:		
Catherine LeCours, MDEQ	Remedial Project Manager - OU 7	406-841-5040

Stakeholders:

Elected Officials:

U.S. Congressional Delegation

Kirby Campbell-Rierson (Baucus - Kalispell)	406-756-1150/406-756-1150
Paul Wilkins (Baucus – D.C.)	202-224-7551
Virginia Sloan (Tester - Kalispell)	406-257-3859
Keli McQuiston(Rehberg - Missoula)	406-543-9550 / 406-543-0663

Montana State Legislators

Lincoln County Commissioners

John Konzen - Troy	406-295-4420 / 406-293-8577
Rita Windom - Libby	406-293-7781 x208 / 406-293-8577
Marianne Roose - Eureka	406-296-3139 X 209 / 406-293-8577

Libby Mayor Tony Berget

406-293-1776

Libby City Council President Charlene Leckrone

406-293-3755

Community:

Libby Community Advisory Group

See CAG list

Libby Technical Assistance Group Chair

See TAG list

Kathi Hooper, LC Environmental Health

406-293-7781 x231

Northwest Montana Human Resources

406-293-2712

Libby Job Service

406-293-6282

CARD Clinic

406-293-9274

ARD Net

Chamber of Commerce

Media:

Western News

406-293-4124

Montanian

406-293-8202

Kootenai Valley Record

Tobacco Valley News

K___ Radio Station, Libby

K___ Radio Station, Libby

Local television affiliates [Missoula, Great Falls, Helena]

The Missoulian

Great Falls Tribune

Helena Independent Record

The Denver Post/Rocky Mountain News

Associated Press

Seattle Post Intelligencer

Mother Jones Magazine

Strategy

Goals:

1. To keep the public and media informed consistent with our press policy and legal restraints.
2. To address any concerns generated by the decontamination issue at the Mine, including determining how this breach of SOPs happened and rectifying the error in the future.
3. To gauge public response and receptivity to our handling of the matter.

Messages:

1. EPA learned on October 10th that its contractor failed to install filters on the hose used to decontaminate vehicles leaving the Mine Site. This is a violation of the workplan governing the contractor's work.
2. There is no indication from air monitors along Highway 37 that there has been any release of contamination from the vehicles leaving the Mine.
3. However, EPA regarded this breach of protocol to be very serious and immediately gathered information about what went wrong in order to take steps to prevent such violations of the workplan in the future.
4. On October 15th, the contractor was issued a "Cure Notice," which gives the contractor 10 days to remedy the situation or face termination of their contract for default.
5. The contractor immediately installed the filters and additional sampling was taken until the Mine operations were shut down for the 2007 construction season.
6. EPA has decided to bring in an outside agency (USACE) to review our construction practices and protocols, and provide EPA with a Value Engineering Assessment to audit and improve our removal and restoration activities.

COMMUNICATION ACTION PLAN

Activity	Person(s) Responsible	When/Due	Comments	Results
Identify Spokesperson	Paul	Done	Paul out for surgery.	Paul on crutches.
Strategy Meetings	Team	Ongoing		
Draft Communications Strategy	Ted	Done.	Comments being received from Team.	Comments received.
Finalize Comm Strat	Ted and Team	ongoing	Comm Strats are always a <u>draft</u> !	Essentially done 11/27.
Inform the public	Mike and Ted	Meeting Week in Libby, 11/5-9/07	Better that we release this information, rather the press or individuals.	Messages delivered w/o generating much concern at the time
Action against ER	Volpe, Matt, contract office	"CURE Notice" issued to ER on 10/15/07	ER complied on 10/16 (within 10 days)	Filters are installed on the Mine Site decontamination hose.
Workplan & Construction Practices Value Engineering Assessment Commissioned	Paul & Mike	Should be completed before next construction season.	An independent and complete assessment of construction practices and protocols is warranted.	U.S. Army Corps of Engineers contacted to complete Assessment.

QUESTIONS & ANSWERS

How was the lack of filters on the hose discovered?

Contractors for W.R. Grace are beginning their investigations at the Mine (OU 3). While examining our decontamination procedures in order to set up their own decontamination area, they noticed the filters were missing and alerted CDM.

What pore size filter was put in-line at the hose?

EPA's contractor, Environmental Restoration, installed the proper 25 micron filter followed by a 5 micron filter on 10/16/07.

You have assured us many times that the vehicles leaving the Mine Site were being decontaminated properly. How can we believe anything you say?

EPA acknowledges that this incident questions our credibility, which is why we are being so up front with announcing the problem publicly and being transparent with our efforts to rectify the situation. Our workplans are very detailed and specific, but obviously the oversight of their implementation broke down in this case. To make sure the problem isn't endemic to our operations as a whole, EPA has commissioned the U.S. Army Corps of Engineers to conduct a Value Engineering Assessment to audit our construction and restoration practices.

Is there no oversight of your contractors working on this Superfund Site?

Of course, but in this case it failed. CDM is charged with day-to-day construction oversight regarding the workplan, and also has a vigorous Health and Safety program administered by a dedicated Health and Safety officer whose job it is to ensure the health and safety of our workers and the community. CDM reports to Volpe's on-site contract manager and EPA's on-site Project Manager, both of whom communicate almost daily with the Libby Team Leader in Denver. During the course of the project, the oversight team has increased from one to five people. Recently, EPA hosted a meeting in Denver of all key personnel involved in this reporting structure to analyze its effectiveness. Hopefully, the Value Engineering Assessment will point out how and why this brake down in our oversight occurred.

Now we know that for almost two years you have been decontaminating vehicles with contaminated water. Why should we believe, for example, that the allegedly "clean" soil that you are backfilling our yards with isn't contaminated as well?

Environmental Restoration's latest contract is two years old and at this point in time we are assuming they haven't been using the filters under this new contract. It should be noted most strenuously that this issue has nothing to do with soil or any of the backfill EPA uses at the Site – they are completely separate operations. The trucks hauling soil and backfill never go to the mine, they are always clean. All borrow sources are tested before use, monitored on-site as it's used, and a composite sample is taken from every 3,000 cubic yards extracted from the source.

**What is the water source for decontamination at your construction sites in town?
How do you know it isn't contaminated? Are there filters on those hoses?**

EPA purchases water from the City of Libby for all uses in town. This water is already potable and thus does not need to be filtered. However, in order to conserve this resource, EPA attempts to collect most of the water used for decontamination in town in order to re-use it for dust suppression at the Mine.

Whose job is it to make sure your workplans are properly implemented?

Responsibility for any failure of the Site's workplans rests squarely on the shoulders of the EPA.

Will anyone be held accountable for this serious mistake?

Environmental Restoration (ER) was issued a "CURE Notice," which is a serious reprimand. The Notice gives the contractor 10 days to remedy the situation or face termination of their contract for default. ER complied with the stipulations of the Notice by installing the proper filters on 10/16/07. However the CURE Notice remains a part of their record, which is reviewed whenever they apply for a federal contract. Further investigations may reveal additional culpabilities by ER or other entities.

What are you going to do to make sure this doesn't happen in the future?

The U.S. Army Corps of Engineers has been commissioned to conduct a "Value Engineering Assessment," which will be a comprehensive audit of EPA's construction and restoration practices. This Assessment should reveal if EPA has any systemic problems with the implementation of its workplans or if this filter issue was an isolated incident. Volpe is also conducting a separate review of CDM. Additionally, CDM will be responsible for periodically checking that filters are properly in place and testing the decontamination water for asbestos levels when the filters are in place. In the future, new contracts will have tightened specifications clearly delegating responsibility for each activity, resulting in checklists that will be logged and inspected regularly. Ultimately, EPA intends to automate its oversight activities so that adverse trends in the implementation of our workplans can be identified and rectified quickly.